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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roby
Serial No.: 09/964,902 Examiner: Phanijphand, Gwen G.
Filed: November 27, 2001 Group: 3731
For: Pretreatment For Lubricated Surgical Needles

Assistant Commissioner of Patents
Washington, D.C. 20231

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MAR 28 2003

TECHNOLOGY CENTER R3700

Response

In response to the Office Action mailed March 11, 2003 in connection with the above referenced application, kindly consider the following remarks.

REMARKS

Applicants elect the claims of Group II, claims 20-27. The remaining claims are withdrawn from consideration. These claims, however, are subject to reinstatement in the event the requirement for restriction is withdrawn or overruled.

Despite the election, applicants traverse the restriction requirement. It is respectfully submitted that the Examiner should reconsider the restriction requirement in view of the fact that the separate classification of the subject matter under the classification system of the United States Patent and Trademark Office is no conclusive proof of divisibility and further that under M.P.E.P. §803 the entire application must be examined as a whole when there would not be a serious burden on the Examiner if restriction were not required. The fields of search are believed to be co-extensive for the two groups by the Examiner.

The Examiner is invited to contact the undersigned should he believe this would expedite prosecution of this application.

Respectfully submitted,

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Date: 3-20-03

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